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APPLICA	TION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/63	2,958	08/04/2003	Takeshi Ikeda	03500.017465	4484	
5514	7590	12/13/2006		EXAMINER		
		ELLA HARPER & S	HENN, TIMOTHY J			
	ROCKEFELLER W YORK, NY		ART UNIT	PAPER NUMBER		
	*			2622		

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Timothy J. Henn Zeg22 Timothy J. Henn Zeg22			A	Application No.		Applicant(s)				
Timothy J. Henn 2652 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. I Extendions of them may be available under the provisione of 37 FER 1 13(6). In no event, however, may a reply be limity filed after SIX (8) MONTH'S from the mailing date of this communication. I NO period for reply is specified above, the mainmain statutory period will apply and will apple 18 (M) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply accessed by the Office later than three ments after the mailing date of this communication, even if timely filed, may reduce any searned patient term edjustment. See 37 CFR 1.794(b). Status 1) □ Responsive to communication(s) filed on Q4 August 2003. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are allowed. 8) □ The specification is objected to by the Examiner. Application Papers 9) □ The specification is objected to to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 □ Ac				10/632,958						
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application from the International Bureau (PCT Rule 17.2(a)).	aį	pplication from the Internation	onal Bureau (F	PCT Rule 17.2	(a)).					
* See the attached detailed Office action for a list of the certified copies not received.	* See the a	ttached detailed Office action	on for a list of	the certified co	opies not receive	d.				
Attachment(s)	_	All 1/200		🗖	A Landaus C	(DTO 440)				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date			PTO-948)	4) 🗀						
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application 6) Other:	3) Information Disc	losure Statement(s) (PTO/SB/08)	,	· =	Notice of Informal Pa					

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6 and 12-15, drawn to a filter driving apparatus and method where a filter driving unit is controlled based on whether a first mode for recording a plurality of frames or a second mode for recording one frame is set, classified in class 348, subclass 363.
 - II. Claims 7-11 and 16-18, drawn to a filter driving apparatus and method where a filter driving unit is controlled based on an image size, classified in class 348, subclass 363.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are directed to related apparatus/methods. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed recite limitations for filter driving unit control based on two entirely different principals (i.e. image size or motion/still image capture operation) and are therefore mutually exclusive. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to

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be obvious variants.

3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art due to their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJH 12/2/2006

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